

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO: 5:17-CR-226-FL-1

UNITED STATES OF AMERICA)
v.) ORDER
BARRY JEROME PHOENIX,)
Defendant.)

This matter came before the court February 20, 2018, with regard to Defendant's liberty status pending sentencing. At Defendant's arraignment, following his plea of guilty, pursuant to a plea agreement, to an offense arising under 18 U.S.C. §§ 1344 and 2, the parties addressed the issue of detention pursuant to the provisions of 18 U.S.C. § 3143(a). After considering the parties' respective positions and the pretrial services report, the court finds based on the following principal reasons that Defendant has failed to show by clear and convincing evidence that he is not likely to flee or pose a danger to the safety of any other person or the community: the nature of the offense and the strength of the government's case, (2) Defendant's criminal history, including committing prior offenses while on probation, (3) the serious nature of pending state charges alleged to have been committed during the pendency of the instant case.

Accordingly, Defendant is COMMITTED to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded reasonable opportunity for private consultation with counsel. On order of a court of the United States or on request of an attorney for the government, Defendant shall be delivered to a United States marshal for the purpose of an appearance in connection with a court proceeding.

So ordered, the 21st day of February 2018.



Robert B. Jones, Jr.
United States Magistrate Judge